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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/586,480

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Frank Reisinger

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02/13/2009

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EXAMINER

BORISSOV, IGOR N

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/586,480	<b>Applicant(s)</b> REISINGER, FRANK	
	<b>Examiner</b> Igor N. Borissov	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what is combined with a switchover module.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freytag (US 5,490,077) in view of Thiel (US 5,606,508).**

Claim 1. Freytag teaches an arrangement for loading rate table data comprising:  
a postage meter (C. 6, L. 48-52);  
an external scale having a postage calculator (Fig. 9, item 22; C. 16, L. 24-25);  
a serially-operating modem which receives rate table data from an external source other than said postage meter (Fig. 9, item 23 (modem) and item 63 (serial interface); C. 16, L. 26-28);

a switchover module connected between said postage meter, said scale and said modem (Fig. 9, item 6 (input/output control unit); C. 16, L. 28), and having a control line for setting a switching state of said switchover module to produce a serial connection between said external source and said postage calculator to serially conduct data downloading (C. 16, L. 24-28 (serial interconnection); C. 15, L. 48-49 ("direct coupling"),

wherein Freytag's system is capable to be configured to download any data directly from said external source to said postage calculator exclusively via said modem and said switchover module (Fig. 9, items 23 (modem), 63 (serial interface), 62 (serial interface), 22 (scale))

While Freytag teaches rate tables data (postage fee tables) downloaded to a memory (C. 19, L. 23-46), Freytag does not teach that said rate table data is downloaded to said postage calculator via said modem and said switchover module.

Thiel teaches an arrangement for loading rate table data, said arrangement including a postage meter (C. 4, L. 39), a scale (C. 3, L. 37), input/output means (Fig. 1, item 6) and a transmission means (C. 8, L. 3-4; C. 7, L. 3-5), wherein said arrangement is configured to download postage rate tables data from said external source to said postage calculator via said transmission means and said input/output means (C. 7, L. 3-5).

It would have been prima face obvious to one having ordinary skill in the art at the time the invention was made to modify Freytag to include that said rate table data is downloaded to said postage calculator via said modem and said switchover module, as disclosed in Thiel, because it would advantageously allow to simplify rate updating on the distributed over the large geographic area postage meters and scale and, thereby, avoiding situation when the updating is generally made after the fact, and the postage rate table does not become valid on the correct date and at the correct time, as specifically stated in Thiel (C. 1, L. 27-31).

Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include modem utilization for rate data transfer as taught by Thiel in the system of Freytag, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. *KSR*, 127 S.Ct. at 1740, 82 USPQ2d at 1396.

Claim 2. Freytag teaches a postage meter machine containing said postage meter, and wherein said switchover module is contained within said postage meter machine (fig. 1, item 6).

Claim 3. (Original) An arrangement as claimed in claim 2 wherein said postage meter machine comprises an input/output control module containing a modem interface and a scale interface, and wherein said postage calculator comprises a postage calculator interface, said switchover module being connected between said modem interface, said scale interface and said postage calculator interface and said scale comprising means for supplying a signal on said control line to switch said switchover module to a switching state wherein said postage calculator, via said postage calculator interface, directly receives said rate table data (same reasoning as applied to claim 1).

**Claims 4-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freytag in view of Thiel and further in view of Dlugos et al. (US 4,410,961).**

Claim 11. The combination of Freytag and Thiel teaches all the limitations of claim 11, except specifically teaching that said modem switchover module is disposed externally of said postage meter machine.

Dlugos et al, (Dlugos) teaches a peripheral controller interface (a switchover module) between a processor system and peripheral devices used in a mailing system, wherein said interface is provided as a separate, self-contained board and is adapted to establish communications links between the system processor and various mailing system peripheral devices such as electronic postage meters (Fig. 1, item 24; C. 4, L. 30-34).

It would have been prima face obvious to one having ordinary skill in the art at the time the invention was made to modify the combination to include that said modem switchover module is disposed externally of said postage meter machine, as disclosed in Dlugos, because it would advantageously allow to utilize such a controller with portable versions of the mailing system. Furthermore, having said controller situated

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externally of said postage equipment would simplify the task of upgrading said controller with a progress of technology.

Claim 12. Freytag teaches that said scale with said postage calculating module is external from said postage meter machine (Fig. 9, item 22).

Claims 4-7. Dlugos discloses specifics of contact groups, transmission line and reception line (Fig. 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the recited features of Dlugos into the teachings of the combination since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. *KSR*, 127 S.Ct. at 1740, 82 USPQ2d at 13965.

Claims 8-10. Said arrangement as claimed in claim 7 wherein said postage calculator operates with existing rate table data and wherein said rate table data from said external source comprise updated rate table data, and wherein said postage calculator includes a first memory area wherein said existing rate table data are stored and a second memory area wherein said updated rate table data are stored after actuation of said selection key, said updated rate table data including conversion data identifying an effective date of the updated rate table data, and said postage calculator having a third memory area in which said conversion data are stored, and said postage calculator automatically replacing said existing rate table data with said updated rate table data at a time of first use of said postage calculator following said effective date (Freytag, C. 15, L. 56-60; CD. 19, L. 24-55; C. 20, L. 36-40, 65-67; C. 21, L.1-4; Thiel, C. 46-60; C. 4, L. 48-55).

**Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freytag in view of Thiel further in view of Dlugos et al. and further in view of Jacobsen et al. (US 2001/0043166 A1).**

Claims 13 and 14. The combination of Freytag, Thiel and Dlugos et al. teaches all the limitations of claims 13 and 14, except that said switchover module and said external modem are combined to form a docking station.

Jacobsen et al. (Jacobsen) teaches a docking station for an electronic device, said station including a switch module and an external modem combined ([0196]; Fig. 13T).

It would have been prima face obvious to one having ordinary skill in the art at the time the invention was made to modify the combination to include that said switchover module and said external modem are combined to form a docking station, as disclosed in Jacobsen, because it would advantageously allow to turn a portable version of postage equipment into a desktop machine and allows users a convenience of using such peripherals as a monitor and a full-sized keyboard.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Igor N. Borissov/

Primary Examiner, Art Unit 3628

02/12/2009